
Class No.....

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SUMMARY
OF
THE WORK OF THE LEGISLATIVE DEPARTMENT
DURING
PART OF THE VICEROYALTY
OF
THE EARL OF MINTO.

NOVEMBER 18TH, 1905, TO MARCH 31ST, 1906.



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FIRST PERIOD OF LORD MINTO'S VICEROYALTY.

1. The period of this summary is from November 18th, 1905, when Lord Curzon's Viceroyalty ended, up to March 31st, 1906. Period of summary.

2. The work of the Legislative Department may be considered under the three heads (1) Legislation, (2) Publications, and (3) Legal Advice. The period under review is so brief that it does not seem possible to generalize or to do much more than simply record the details of the work done during it. Work of Department.

(1) Legislation.

3. The Legislative Department is only concerned with such legislation, forming part of the complex Statute-book of British India, as is under the supervision of the Governor General and requires his assent. It may be summarized as follows :— Classes of legislation.

- (a) Acts passed by the Supreme Legislative Council ;
- (b) Acts passed by the seven Local Legislative Councils ;
- (c) Regulations made under the Government of India Act, 1870 (33 & 34 Vict., c. 3) ;
- (d) Statutory rules and orders made by the Governor General in Council, or by Local Governments with the previous sanction of the Governor General in Council ;
- (e) Rules and orders made by the Governor General in Council for territory under British jurisdiction in Native States.

(a) ACTS OF THE SUPREME COUNCIL.

4. During the period under review six Acts were passed by the Governor General's Legislative Council of which five were Amending Acts. A list of them will be found in Appendix No. I to this summary, and the following few remarks concerning them may be added :— Acts of the Supreme Council.

The Indian Tariff (Amendment) Act, 1906 (I of 1906), was passed simply to raise the duty on spirits imported into India, as a fiscal measure.

The Sindh Incumbered Estates (Amendment) Act, 1906 (II of 1906), was necessitated by certain defects in the Sindh Incumbered Estates Act, 1896, the protection of which it extended to sureties as well as principal debtors against extortionate demands of moneylenders.

The Indian Coinage Act, 1906 (III of 1906), was a consolidating measure which also provided for the introduction of a nickel and bronze coinage in India.

The Presidency Small Cause Courts Act, 1906 (IV of 1906), was passed to amend the existing Act relating to these Courts in three respects in which it had been found defective.

The Indian Stamp (Amendment) Act, 1906 (V of 1906), was enacted to reduce the stamp-duty on fire insurance policies, to legalize certain practices which had grown up and to exempt certain documents altogether from duty.

The Indian Merchant Shipping (Amendment) Act, 1906 (VI of 1906), remedied some inconveniences caused by the existing law as to the termination of running agreements between shipowners and the crews of certain foreign-going ships.

Pending legisla-
tion.

5. It is not considered necessary at this stage to give a list of the pending measures which will under ordinary circumstances become law in some form or other, in the course of His Excellency's Viceroyalty. A list of these will be found in the memorandum of Legislative Business in prospect which is issued at the commencement of each session by the Legislative Department.

(b) ACTS OF LOCAL COUNCILS.

Acts of Local
Councils.

6. Ten Acts passed by Local Councils received the assent of His Excellency Lord Minto under section 40 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), up to the end of March, 1906. A list of these will be found in Appendix II to this summary. No Acts of the Councils of Madras, the Punjab and Eastern Bengal and Assam received the assent of His Excellency during the period.

It is not necessary to give in this summary any particulars of the Acts passed by these Councils, as, though much of its time is occupied in business connected with their enactment, the Legislative Department is not responsible either for the subject-matter or the drafting of these measures.

(c) REGULATIONS UNDER THE GOVERNMENT OF INDIA ACT, 1870.

Regulations.

7. During the same period one Regulation, the North-West Frontier Province Law and Justice (Amendment) Regulation, 1906, was made by the Governor General in Council in exercise of the powers conferred upon the executive Government by the Government of India Act, 1870 (33 Vict., c. 3). These Regulations may be proposed by certain of the Local Governments to the Governor General in Council and on receiving his assent have the like force of law as if they were Acts passed by the Supreme Legislative Council.

(d) STATUTORY RULES AND ORDERS.

Statutory Rules
and Orders.

8. A large share of Indian legislation is effected through the machinery of statutory rules and orders having the effect of law. A considerable portion of the time of the Legislative Department, part of whose duty it is to frame or examine, from a legal point of view, such of these rules and orders as are made by, or require the sanction of, the Government of India, has been taken up during the period under review with this important work.

(e) RULES AND ORDERS FOR TERRITORY UNDER BRITISH JURISDICTION IN NATIVE STATES.

Laws made for
Foreign territory
in Native States.

9. These have been made since 1902 under the power conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, by which the Governor General in Council was empowered to act on behalf of His Majesty. Laws are thus made for territories in Native States over which jurisdiction has been acquired by the British Government, and are settled in the Legislative Department. They are frequently applications, with or without modification, of British Indian enactments. As they are of a purely local character, a list of them need not be given here.

(2) Publications.

Functions of the
Department.

10. Legal publications are a prominent part of the work of the Department. It issues and supplies to the public all Acts of the Governor General in Council and Regulations, and also arranges for the translation of the same into the vernacular. It also revises the Statute-Book, keeping it up to date and making it generally accessible.

Issues of the De-
partment.

11. The following publications were issued between November 18th, 1905, and March 31st, 1906:—

(1) the Indian Evidence Act, 1877 (III of 1877), as modified up to the 1st August 1905;

- (2) the Indian Stamp Act, 1899 (II of 1899), as modified up to the 31st August 1905 ;
- (3) a table showing the effect of legislation in the Governor General's Council during 1905 ;
- (4) a list of General Rules and Orders under Statutes and General Acts in force in British India corrected up to the 30th June 1905, and List of Corrections ;
- (5) the Transfer of Property Act, 1882 (IV of 1882), as modified up to the 1st December 1905.

During the same period a new edition of the United Provinces Code was being got ready for Press, but the work was not completed before the 31st March.

(3) Legal Advice.

12. As already stated, the Legislative Department must, in accordance with the Rules of Business, be consulted before any rules or orders of the kind referred to in paragraph 8 of this summary are issued by another Department of the Government of India ; but it may also be consulted in many other cases, that is to say, on matters relating to—

Legal advice.

- (a) the construction of Statutes, Acts and Regulations ;
- (b) general legal principles arising out of any case ;
- (c) proposed amendments of the law ; and
- (d) notifications to be issued under any enactment.

It is found that the other Departments prefer when possible to consult this Department rather than to have recourse for advice to the law-officers at Calcutta. The form of reference to this Department is easier, a more speedy reply to the legal question is obtained, and as many of these questions turn on administrative and political, as well as on purely technical, considerations, this Department is in fact often more qualified to advise on them than the law-officers. More specially is this the case in that branch of the work which relates to Native States. The number of these references to the Legislative Department is thus very considerable, amounting on an average to over 1,000 annually, and shows a tendency to increase, which is doubtless to some extent due to the increase of the work in other Departments. During the period under review the number of these references was close upon 350.

Staff.

13. The Legislative Department is under the charge of the Law Member, and the Superior Staff consists of a Secretary, a Deputy Secretary and a Personal Assistant. There is also sometimes an Attaché during the Simla season. These various offices have been held during the period under review by the following gentlemen :—

Staff.

Law Member.—The Hon'ble Mr. H. Erle Richards, K.C.

Secretary.—Mr. J. M. Macpherson, C.S.I., Barrister-at-Law.

Mr. H. W. C. Carnduff, C.I.E., I.C.S., who had been acting as Secretary from the 25th August 1905, gave over charge to Mr. Macpherson on the 29th November 1905.

Deputy Secretary.—Mr. R. Sheepshanks, I.C.S., Barrister-at-Law.

Personal Assistant.—Mr. J. G. Morison, Barrister-at-Law.

APPENDIX No. 1.

Acts passed by the Governor General in Council.

No.	Short title.	Subject.	REMARKS.
I	The Indian Tariff (Amendment) Act, 1906.	Further to amend the Indian Tariff Act, 1894.	
II	The Sindh Incumbered Estates (Amendment) Act, 1906.	To amend the Sindh Incumbered Estates Act, 1896.	
III	The Indian Coinage Act, 1906.	To consolidate and amend the law relating to Coinage and the Mint.	
IV	The Presidency Small Cause Courts Act, 1906.	Further to amend the Presidency Small Cause Courts Act, 1882.	
V	The Indian Stamp (Amendment) Act, 1906.	Further to amend the Indian Stamp Act, 1899.	
VI	The Indian Merchant Shipping (Amendment) Act, 1906.	Further to amend the Law relating to merchant seamen.	

APPENDIX No. II.

Acts passed by Local Legislative Councils.

PART I.—*Acts of the Governor of Fort St. George in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
...	...	<i>Nil.</i>	...	

PART II.—*Act of the Governor of Bombay in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
1905	V	The City of Bombay Municipal (Amendment) Act, 1905.	To further amend the City of Bombay Municipal Act, 1888.	

PART III.—*Acts of the Lieutenant-Governor of Bengal in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
1905	V	The Chota Nagpur Tenancy Amendment) Act, 1905.	To further amend the Chota Nagpur Landlord and Tenant Procedure Act, 1879.	
"	VI	The Calcutta and Suburban Police (Superannuation Fund) Act, 1905.	To abolish the Calcutta and Suburban Police Superannuation Fund.	
1906	I	The Bengal Court of Wards (Amendment) Act, 1906.	To amend the Bengal Court of Wards Act, 1879.	
"	II	The Bengal Land Registration (Amendment) Act, 1906.	To amend the Land Registration Act, 1876.	
"	III	The Bengal Disorderly Houses Act, 1906.	To make provision for the discontinuance of brothels and disorderly houses in certain localities in Bengal.	

PART IV.—*Act of the Lieutenant-Governor of the United Provinces in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
1906	I	The United Provinces Excise Law Amendment Act, 1906.	To amend the law relating to Excise in the United Provinces.	

PART V.—*Acts of the Lieutenant-Governor of the Punjab in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
...	...	<i>Nil</i>	...	

PART VI.—*Acts of the Lieutenant-Governor of Burma in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
1906	I	The Rangoon Port Act (1905) Amendment Act, 1906.	To amend the Rangoon Port Act, 1905.	
"	II	The Burma Motor Vehicles Act, 1906.	To regulate the use of Motor vehicles in streets and public places in Burma.	
"	III	The Burma Municipal Act (1898) Amendment Act, 1906.	To further amend the Burma Municipal Act, 1898.	

PART VII.—*Acts of the Lieut. enint-Governor of Eastern Bengal and Assam in Council.*

Year.	No.	Short title.	Subject.	REMARKS.
	...	<i>Nil</i>	...	

APPENDIX III.

Regulation made under the Government of India Act, 1870.

Year.	No.	Short title.	Subject.	REMARKS.
1906	I	The North-West Frontier Province Law and Justice (Amendment) Regulation, 1906.	Further to amend the North-West Frontier Province Law and Justice Regulation, 1901.	

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